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ABSTRACT

This report from the California Postsecondary Education Commission offers a preliminary draft of Private Postsecondary Education Regulations to implement Chapter 3 of Part 59 of the Education Code. It is presented for consideration and possible adoption by California's new Council for Private Postsecondary and Vocational Education. As of January 1, 1991, the Council will assume from the Private Postsecondary Education Division of the Department of Education the responsibility for regulating private vocational schools and degree-granting colleges and universities in the State. Chapter one of the report presents Article 1 of the regulations pertaining to council administration and procedures. Chapter two includes the Articles that deal with degree-granting for private postsecondary educational institutions. The third chapter contains Articles that address the provisions applicable to private postsecondary vocational education institutions. Chapter four presents Articles that address provisions applicable to all approved postsecondary institutions. The fifth chapter contains information on agents and agencies, and the sixth chapter provides Articles that address the student tuition recovery fund. (GLR)

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PRELIMINARY DRAFT REGULATIONS FOR CHAPTER 3 OF PART 59 OF THE EDUCATION CODE

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HE 024 514

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INTRODUCTION

In this document, the California Postsecondary Education Commission offers a preliminary draft of Private Postsecondary Education Regulations to implement Chapter 3 of Part 59 of the Education Code, for consideration and possible adoption by California's new Council for Private Postsecondary and Vocational Education. As of January 1, 1991, the Council will assume from the Private Postsecondary Education Division of the Department of Education the responsibility for regulating private vocational schools and degree-granting colleges and universities in the State.

In order to license or permit these institutions to operate, the Council must adopt rules that "implement, interpret, or make specific" the laws that it is charged to enforce and submit them and their supporting rationale to the Office of Administrative Law for its approval. Realizing that the Council would require time to organize itself and adopt regulations so that it could assume its responsibilities expeditiously on January 1, the Legislature passed Assembly Bill 1993 (Farr, Chapter 1324, Statutes of 1989), which assigned the Commission the task of drafting "preliminary draft regulations" for the Council to consider and, if found satisfactory, to use in beginning its work. The Legislature specified that the Commission deliver these draft regulations to the Council by December 31, 1990, for the Council's consideration when it begins its regulatory duties the following day.

Since passage of AB 1993, members of the Commission's staff have been working cooperatively with staff of the Department of Education and other interested parties to prepare these preliminary draft regulations. With substantial help from Attorney Anita Scuri of the Legal Office of the Department of Consumer Affairs, and graduate assistant Michael Sigsbee, the staff developed a rough draft of the regulations, revised them in response to the suggestions of some 40 institutional administrators and State agency representatives, and revised that draft in response to testimony received at two public hearings held in Long Beach on June 21, 1990, and in Sacramento on June 26. The Commission has published that testimony as Commission Report 90-25, *Public Testimony Regarding Preliminary Draft Regulations to Implement the Private Postsecondary and Vocational Education Reform Act of 1989*. The Commission is grateful to all those who participated in the drafting process.

The Commission has also prepared a "Statement of Reasons" explaining the rationale for each of the proposed regulations concerning degree-granting institutions. That statement reflects the staff's expertise gained from over 140 site visits in the past five years to unaccredited degree-granting institutions in California. For a copy of that statement, please call the Commission at (916) 324-4991 or write the Publications Office, California Postsecondary Education Commission, Third Floor, 1020 Twelfth Street, Sacramento 95814-3985, and request a copy of Commission Report 90-30.

PRIVATE POSTSECONDARY EDUCATION REGULATIONS

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PRIVATE POSTSECONDARY EDUCATION REGULATIONS

Chapter 1. Council Administration and Procedures.

Article 1. General Provisions

10. Location of Offices.

The principal office of the Council is located at_____.
All correspondence relating to the activities of the Council, including the filing of applications, renewals and remittances, shall be directed to this office.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Sections 94305, 94310, and 94311, Education Code.

20. Delegation of Functions.

(a) It shall be the duty of the Council's director to plan, direct and organize the work of the staff; attend Council meetings and hearings; consult with and make recommendations to the Council; dictate correspondence; attend meetings of various organizations and associations; prepare reports; and direct and supervise the Council staff concerning enforcement of the Act.

(b) The power and discretion conferred by law upon the Council to initiate, review and prosecute accusations and statements of issues pursuant to Sections 11500 through 11528 of the Government Code are hereby delegated to and conferred upon the Council's director or, in the absence thereof, the designee of the director.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Sections 94305, Education Code.

Chapter 2. Degree-Granting Private Postsecondary Educational Institutions

Article 1. General Provisions

100. Definitions.

(a) The definitions contained in Section 94302 of the Education Code apply to these regulations.

(b) "Act" means the Private Postsecondary and Vocational Education Reform Act of 1989.

(c) "Catalog" means the official publication stating the institution's admission and graduation requirements and information pertaining to the institution.

(d) "Code" means the Education Code.

(e) "Course" means one organized subject or planned component of an academic instructional program, applicable to completion of the requirements for the degree program, which is prepared, conducted and evaluated by one or more faculty members. A course may be presented as a sequence of instructional or class meetings throughout an academic term scheduled by the institution. It may also consist of independent study projects, sequences of correspondence lessons, or other study projects approved beforehand and evaluated by a faculty member.

(f) "Unit of credit" or "unit" means a certain quantification of an individual's learning, a proxy for an actual measure of "amounts" of learning. "Semester unit of credit" means 15 hours of college level instruction or the equivalent in planned learning experiences, where the equivalency takes into account the American norm of two hours' of study outside of class for each hour of instruction. "Quarter unit of credit" means 10 hours of college level instruction or the equivalent in planned learning experiences, where the equivalency takes into account the American norm of two hours' study outside of class for each hour of instruction. In considering equivalencies, the Council shall, in addition, take into account the convention that laboratory, practicum or fieldwork learning entails twice the number of hours for each unit of credit as the standard classroom lecture-discussion format.

(g) "Curriculum" means an organized set of courses and planned educational activities, each course of which contains learning objectives, an instructional methodology for pursuing these objectives, a description of the level and scope of knowledge and skills to be attained by the student and a strategy for evaluating the intended learning outcomes.

(h) "Degree program" or "academic program" means the set of learning experiences, evaluations, and other academic requirements designed by an institution for the earning of a designated academic degree.

(i) "Prior experiential learning" means knowledge and skills acquired outside a postsecondary institution which has not previously been awarded academic credit but which is evaluated by the institution awarding the credit.

(j) "Faculty" or "faculty member" means a person under current contractual obligation to the institution for conducting one or more of the courses or components in its curriculum, who bears responsibility for advising and consulting with individual students and is accountable for evaluating student learning and progress. For purposes of this chapter, the term "faculty" does not include a person who agrees to be available to an institution as a resource for occasional presentations and interactions with its students and permits his or her name to be used by the institution on its roster.

(k) "Full-time faculty member" means a faculty member under contract with an institution on either a paid or voluntary basis to provide at least 12 hours of instruction per week at the undergraduate level or at least 9 hours of instruction at the graduate level, or the equivalent in direct educational services.

(l) "Fees" means any charges to students for any and all services provided by the institution beyond the "tuition" charges.

(m) "Full-time study" means a student is enrolled at the undergraduate level for 12 or more semester units of credit (or the equivalent in other units of credit) or is enrolled at the graduate level for 8 or more semester units of credit (or the equivalent in other units of credit) of courses ranked as graduate level.

(n) "General education" means the set of courses and other organized educational activities designed to introduce the learner to the subject matter and the ways of pursuing it in each of the major divisions of formal learning. In postsecondary educational institutions, this knowledge has traditionally been divided into the natural sciences, the social sciences, the humanities, the verbal skills of writing and speaking, and the quantitative skills of mathematical reasoning and computing.

(o) "Innovative methods" as used in Section 94310(d)(2) of the code means any instructional mode described and used by an institution which is not covered under the definition in Regulation 204 of correspondence, distance, or classroom instruction.

(p) "Quarter" means a portion of an academic year made up of at least 10 weeks of instruction.

(q) "Semester" means a portion of an academic year made up of at least 15 weeks of instruction.

(r) "Term" or "term of instruction" means a division of an institution's academic calendar within an academic year.

(s) "Tuition" means the charges for the cost of instruction.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

110. Diploma Programs Offered by Degree-Granting Institutions.

The diploma courses of study which degree-granting institutions may be authorized to offer under Section 94310 of the code shall meet all the standards required of private vocational institutions approved under Section 94311 of the code.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

120. Request for Approval of Substantive Changes.

(a) An institution shall request approval of a substantive change in writing not later than 30 calendar days before the change is scheduled to become effective. For purposes of this section, a "substantive change" is one which requires prior approval from the Council for the institution to retain its state approval and includes the following:

(1) Addition of a new degree, diploma or certificate program;

(2) Change of name or purpose of institution;

(3) Change of location of main campus;

(4) Addition of a branch campus either inside or outside California.

(b) The Council, through its director, shall act on requests for prior approval within 15 working days after receiving the request. If a written response is not received by the institution within the required period, the request shall be deemed to have been denied.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Sections 94310 and 94330, Education Code.

130. Annual Report.

An institution shall file an annual report, which is signed by the chief academic officer of the institution under penalty of perjury, by July 1 of each year. This report shall contain all of the following information for educational programs offered in the prior 12 months:

(a) The information specified in Section 94312.2 of the code;

(b) The total number of students enrolled in each degree program as of the beginning of the fall term of the prior academic year or October 1 of the prior calendar year for those institutions which operate on a continuous enrollment basis.

(c) The number of warrants or verifications for the federal Immigration and Naturalization Service for student visas issued during the previous calendar year and the fee received per student thus served;

(d) The number of students with United States student visas enrolled during the previous calendar year.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Sections 94310 and 94312.2, Education Code.

135. Maintenance of Logs.

An institution shall maintain at its administrative offices the following lists, kept current on a monthly basis:

(a) Drop-out log, which shall include the names and addresses of all students who have dropped out of the institution during the calendar year;

(b) Student Tuition Recovery Fund log, which shall include the names and addressses of all students for which a tuition assessment is due to the Council; and

(c) For those institutions required to report placement data pursuant to Section 94312(i) of the code, a placement log which shall include the names and addresses of all students who have secured employment in the field for which they were trained.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94312 and 94343, Education Code.

Article 2. Standards

200. Applicability of Standards.

A private institution wishing to offer postsecondary education in California shall demonstrate its compliance with the standards set forth in this subchapter, in addition to those set forth in the code, in order to obtain and maintain the Council's approval to operate.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310 and 94330, Education Code.

201. Institutional Mission, Purpose, and Objectives.

The institution shall develop a statement describing its mission, purpose, and objectives which differentiates it from other educational institutions. This statement shall include the educational outcomes which its programs are designed to produce, the types of students it serves, whether it is a for profit or a nonprofit corporation, and the levels of degrees and areas of specialization it offers. All aspects of the institution, including its name, size, programs, governance, faculty, and physical and fiscal resources, shall be consistent with its stated purpose and with its description of itself in public documents.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

202. Governance and Administration.

(a) The institution shall be incorporated, or owned by a corporation, in good standing with the California Secretary of State and shall be governed by a board of not less than five members. Continuity of board membership shall be provided by overlapping terms of appointment. The board shall be responsible for establishing policy, for long-range planning, for appointing and evaluating the performance of the chief executive officer of the institution, who shall not be a voting member of the board, and for maintaining the fiscal health of the institution.

(b) A for-profit institution shall demonstrate that the public interest is represented in its governance in either of the two following ways:

(1) Not less than 20 percent of the membership of the board of the for-profit institution shall be held by public members who have no financial involvement in the institution.

(2) There shall be an advisory committee of not less than five members who have no financial involvement with the institution and who shall be responsible for reviewing policies and operations of the institution and submitting any recommendations to the board in writing.

For purposes of this section, the term "financial involvement" means any ownership interest in the institution or contract with the institution (other than a contract of enrollment with a student).

(c) The chief executive officer of the institution shall be directly responsible to the governing board for administering its policies and plans and for all other aspects of the institution's operations.

(d) The duties and responsibilities of each administrator shall be clearly defined in writing. The institution shall adopt and implement a personnel evaluation process which includes administrators at all levels.

(e) In an institution with one or more branch campuses, as defined in Section 94302(h) of the code, the board shall establish clear institutional policies regarding the division and sharing of responsibilities between the central administration and the administration of the branch campuses.

(1) The administration of each branch of the institution shall be organized and staffed to reflect the branch campus' purposes, size, and complexity. Administrative organization, roles and responsibilities shall be clearly defined.

(2) The central administration of an institution with a branch campus or other off-campus educational activities such as institution-sponsored study groups shall have a mechanism for quality control and accountability of its branch campus' operations.

(f) When contracting for educational services, the institution shall maintain control of and responsibility for all academic matters, such as instruction, student assessment and faculty appointments.

(g) The advisory role of faculty in the governance of the institution shall be substantive and clearly defined.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

203. Curriculum.

(a) For each degree program offered, the institution shall develop and maintain a "curriculum," as defined in Regulation 100, appropriate to the level and type of degree to be granted. A list of the courses offered in each degree program together with a brief description of each course shall be published in the institution's catalog. The institution shall maintain a course outline for each course offered.

(b) The faculty, both individually and collectively, shall develop, evaluate and revise the curriculum. The institution shall adopt written policies governing the faculty's role and responsibilities in curriculum development and oversight.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

204. Instruction.

(a) Instruction, as defined in Section 94302(g) of the code, shall be the central focus of the resources and services of the institution provided to students in degree programs. The institution shall demonstrate that the modes of instruction are appropriate to the subject matter and to the abilities, experience and needs of the students, and that they are effective in meeting the educational objectives of the institution.

(b) The Council recognizes three modes of instruction:

(1) *Correspondence instruction:* Instruction conveyed by postal mail or electronic means to students with assignments which upon completion are returned to the institution or individual faculty member for evaluation, regardless of whether or not the student and faculty member interact by postal mail or electronic means. Correspondence instruction does not require face-to-face interaction between faculty and student or between student peers.

(2) *Distance instruction:* Instruction conveyed to students usually at a distance from a campus by any of a variety of means under the guidance of an "instructor of record." Distance instruction incorporates and requires periodic meetings between faculty and students and among student peers. For purposes of this section, "instructor of record" means a member of the institution's faculty who is assigned primary re-

sponsibility for the conduct of the course and the evaluation or grading of student learning regardless of media and other resources used in its design.

(3) *Classroom instruction:* Instruction conveyed by a faculty member who is physically present with the students being instructed. This category includes, but is not limited to, instruction in a laboratory, lecture hall, or seminar setting.

(c) For any student in an academic or professional degree program, not less than three faculty members of the institution shall provide the responsible oversight, guidance, instruction and evaluation entailed in progressing through the degree program prior to presenting that student to the administration as a candidate for the degree.

(d) An institution using an "innovative method of instruction," as defined in Regulation 100, shall provide to the Council upon request evidence bearing on the educational quality and accomplishment of the "innovative method of instruction" which demonstrates its effectiveness in meeting the educational objectives of the institution.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

205. Faculty, Including Their Qualifications.

(a) The institution shall retain under contract, on either a paid or voluntary basis, a teaching faculty of sufficient number and qualification to instruct its students. An institution shall be deemed to have a sufficient number of faculty if:

(1) Its instruction is provided predominantly through classroom instruction and it maintains a ratio of full-time equivalent students to full-time equivalent faculty not larger than 25 to one; or

(2) Its instruction is provided predominantly through distance instruction and it maintains a ratio of full-time equivalent students to full-time equivalent faculty not larger than 35 to one; or

(3) Its instruction is provided predominantly through correspondence instruction and it maintains an average response time to its students of not greater than 6 working days. As used in this section, "response time" means the time elapsed from the institution's receipt of a student's completed lesson to the mailing of the graded lesson to the student. Institutions offering correspondence instruction shall maintain records which will enable the Council to audit the elapsed response time.

As used in this section, "full-time equivalent faculty" is not based upon the number of actual faculty members but is determined by dividing by 12 (for faculty instructing at the undergraduate level) or by 9 (for faculty instructing at the graduate level) the average total number of actual hours in instruction and other educational services per week. "Other educational services" includes, but is not limited to, student counseling, curriculum planning and evaluation, development and maintenance

of the institution's learning resources (e.g., library, computer laboratory), and service on student evaluation panels.

As used in this section, "full-time equivalent students" is determined by dividing by 12 (for undergraduate students) or by 8 (for graduate students) the average total number of hours of instruction and other direct educational services per week received by the institution's students.

(b) The criteria for determining faculty workloads shall be clearly stated and shall have been adopted by the institution's governing board. The criteria shall include at least the following workload factors:

(1) Class size;

(2) Number of subject-matter preparations;

(3) Contact hours;

(4) Nature of subject matter;

(5) Level and mode of instruction;

(6) Student advising;

(7) Assistance available; and

(8) Other institutional assignments.

(c) The faculty shall have graduate training and degrees and/or professional experience appropriate to their teaching assignments and consistent with institutional purposes. A faculty member shall possess a graduate degree in the academic field in which he or she is instructing from a California approved institution, a regionally accredited institution or a comparable foreign institution as determined by an independent evaluator which is a member of the National Association for Foreign Student Affairs. The faculty as a whole shall reflect a diverse background with their highest degrees from a variety of educational institutions.

(d) At least 50 percent of the faculty who serve as chairmen of students' doctoral examining committees shall have all of the following qualifications:

(1) A doctoral degree (A) in the field of instruction in which the student's dissertation or final project is completed; (B) from an institution accredited by an accrediting association recognized by the federal Department of Education or by the California State Bar;

(2) Three or more years of related field experience or research experience beyond their own dissertation; and

(3) Current activity in their field of scholarship or profession.

(e) The institution shall demonstrate with evidence from its written policies and faculty assignments that it maintains a full-time and part-time faculty which is stable and sufficient to provide student advisement, academic planning and curriculum development, as well as instruction and which has and exercises a voice in these matters.

(f) Criteria and procedures for faculty and staff appointment, retention, advancement, evaluation, termination, and due process shall be clearly written, published, available to all staff, reviewed at least every five years, and equitably administered.

(g) The faculty shall function as a collegial body, and it shall have a defined role in the screening of prospective new colleagues on the teaching staff.

(h) The institution shall have a non-discrimination employment policy consistent with institutional purposes.

(i) The institution shall have a written policy on academic freedom which is clearly stated, widely available, and actively followed.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

206. Facilities.

(a) The facilities, including buildings, heating and cooling, instructional equipment and campus environs shall be designed and maintained to serve the needs of the institution in relation to its stated purpose and objectives. Classrooms and laboratories shall be properly lighted and ventilated for their purposes and uses, properly equipped, and adequate in number and size.

(b) The facilities shall be well-maintained and shall conform to applicable legal requirements, especially those concerned with access, safety, and health.

(c) An institution which rents or is provided free instructional facilities shall document that the facilities are available for the duration of the degree program which they serve.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

207. Financial Resources.

The institution shall demonstrate that it has sufficient assets to ensure the continuity of its operations and programs and to ensure that all students admitted to its degree programs shall have a reasonable opportunity to complete their program and obtain their degree. A determination that the institution has "sufficient resources" shall be based upon, but not limited to, the institution's compliance with Section 94311.5 of the code.

(a) For purposes of Section 94311.5(b) of the code, the terms "assets" or "current assets" shall not include any of the following:

(1) Intangible assets, including goodwill, going concern value, organization expense, start-up costs, long-term prepayment of deferred charges, or nonreturnable deposits; or

(2) State or federal grant funds that are held for future disbursement for the benefit of students.

(b) For purposes of Section 94311.5(b) of the code, the term "liabilities" shall include unearned tuition.

(c) The institution shall maintain a record indicating that, where applicable, it has made timely refunds to students, in the manner described in Section 94316.6(g) of the code.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Sections 94310, 94311.5 and 94316.6, Education Code.

208. Administrative Personnel.

(a) The institution shall not employ or continue to employ any person found in a judicial or administrative proceeding to have violated any provision of the Act or of Section 480 of the Business and Professions Code.

(b) The chief academic officer of the institution shall possess qualifications that are equal to the highest degree or equivalent acceptable experience required of the faculty of the institution.

(c) The institution shall employ a sufficient number of administrative personnel with the appropriate expertise to support the achievement of its institutional goals and objectives and the operation of its instructional program.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code; Section 480, Business and Professions Code.

209. Educational Records.

(a) For each student who enrolls, the institution shall maintain an educational records file which contains the information required by Section 94312(l) of the code and at least the following:

(1) Personal information about the student, including date of admission; date of awarding of the degree; and age, gender and ethnicity (which the institution shall collect on a voluntary basis). If the student leaves the institution prior to completing a degree program, the institution shall record whether the student left the institution in good standing or was dismissed and the reasons for leaving, if known.

(2) Official records of the student's prior educational achievements as submitted by the student, including:

(A) Evidence of high school completion or equivalency, or other documented evidence of the student's ability to do college level work.

(B) Transcript or record of all postsecondary courses for which transfer credit has been awarded,

(C) Grades or findings from any examinations of academic ability or educational achievement used for administration or placement purposes, and

(D) Copies of portfolios and other materials employed in assessing prior experiential learning. The credit awarded for prior experiential learning shall be identified on the student's transcript with the course title for which it was awarded and shall carry the comment "Credit for Prior Experiential Learning."

(3) A current transcript of courses in which the student has enrolled with a record of the final grade received for each course. Each course in which the student enrolls and from which the student has not withdrawn prior to the deadline set by the institution shall be recorded on the student's transcript within 15 working days following the end of each term or the end of the course, whichever occurs first.

(4) Course outlines or learning contracts of proposed independent study courses with the signatures of the institutional faculty and administrators who approved the course.

(5) A record of the degrees, diplomas, certificates and dissertations, theses, and other student products submitted for the final phase of graduate programs shall be retained on file by the institution, signed by all members of the faculty committee which recommended the student for graduation and shall be available for inspection by the Council or its representatives.

Regardless of whether a given faculty signatory to a student's graduate degree remains on the faculty of the institution, the institution shall retain sufficient academic documentation on file concerning each faculty signatory to demonstrate to an inquirer that the faculty committee which examined the student candidate possessed sufficient expertise to perform that function adequately.

(b) Student educational records shall be included with the institution's current records, which it shall maintain for a period of not less than five years at its principal place of business within the state of California.

(c) The institution shall maintain for 50 years for each enrolled student a file of educational records containing the student's transcript of courses and a record of the degrees, diplomas, certificates and honorary degrees and diplomas granted the student. In case of closure of the institution, the institution's custodian of records shall make provision for storage of the institution's educational records by transmitting all student transcripts to a third party, another institution, or to the Council as determined by the Council. A complete list of the students whose transcripts have been included in such a transmittal shall accompany the records. The list shall be organized for each year consecutively and alphabetically and shall include the year of admission, the year of graduation and the award received.

NOTE: Authority cited: Section 94305, Education Code.

Reference: Sections 94310 and 94312(d), Education Code.

210. Tuition, Fees, and Refund Schedule.

(a) Publication of Charges. In an institution's catalogs, public advertisements and statements to prospective students about costs of enrolling in its degree programs, the term "tuition" shall be used as defined in Regulation 100 to represent only the total cost of instruction and shall not be used to represent the total charge to be paid for an entire degree program. A presentation of total charges to the student shall itemize separate fees and provide an estimate for books/supplies.

(1) The institution shall publish its current rate of tuition in such a manner that a prospective enrollee can determine both the cost per term or year and the cost for the total program leading toward the degree or certificate, assuming that the enrollee completes each component of the total program without delays or repeats.

(2) The information shall be sufficient to permit a person contemplating part-time participation in the program to estimate both the length of time likely to be required for completion of the program and the consequent total of tuition costs.

(3) An institution which computes tuition on the basis of a fixed charge per unit attempted, or per individual course attempted, shall also show how such unit costs likely will eventuate in the total tuition charged for the degree program.

(b) Increase in charges. Tuition rates, fees, and other student charges published in the catalog as of the date of a student's first enrollment in an institution for a specified degree program shall serve as the basis for computing total student charges for that individual as long as he/she remains continuously enrolled and progressing toward completion of the degree.

(c) Catalog. The published catalog shall include the date of publication and the minimum period of time for which its information will remain valid.

(d) Fees. The institution shall disclose all fees and fee-related policies, including the procedures to be followed by and with applicants and students. It shall provide copies of all such printed information with its application for licensure.

(e) Cancellation of Contract or Enrollment. A student or applicant may cancel the contract or enrollment by notifying the institution personnel of that intention. Such notice is effective when delivered or when postmarked.

(f) Refund Policy. An institution shall comply with the refund standards set forth in Section 94312(d) of the code for all students not covered by the refund policies set forth in Article 2.5 of Chapter 3 of Part 59 of the code (commencing with Section 94316).

(1) If there is to be any fee to a student or applicant for instructional materials under any circumstances whatsoever, the institution shall detail provisions, if any, for the return or recovery of the materials, and a specific price must be affixed to the items and must be clearly cited.

(2) Initial correspondence course materials shall be sent to the student within seven days following receipt of student enrollment or the student may rescind the contract and shall be entitled to full refund of all monies paid.

At any time during the enrollment period, an institution which provides correspondence instruction shall, upon written request, send the balance of all course materials to any student who has paid in full for the course(s).

(3) In institutions which provide correspondence instruction, if cancellation is made on or prior to midnight of the eighth business day after the first lesson was mailed, the student shall be entitled to 100 percent refund of the amount paid for instruction, less a reasonable deposit or application fee not to exceed one hundred dollars ($100).

(g) Fees Which Shall be Refunded. The following fees shall be refunded:

(1) Any fee or charge collected in error shall be repaid in full.

(2) Any charges collected from a student which the institution holds for the purpose of paying to any other public or private person, firm, organization, or agency, such as for a bond, license application or examination fees, or any similar fees or charges shall, where the student fails to enter the course or withdraws therefrom at any time prior to completion of the course, be refunded in full, unless the institution has paid them to that third party prior to receipt of cancellation of a contract or enrollment.

(3) All prepaid but unearned fees and other charges paid by a student to the institution shall be refunded if the institution cancels or discontinues the course or program for which the student has enrolled.

(h) Refunds to Veterans. A student enrolled under any federal or state veterans' education assistance plan shall receive all the refunds of fees specified in the law or regulations under which the federal or state veterans' education assistance plan is operated, regardless of any limitations set forth in this section.

(i) Return of Equipment.

(j) Return of Balance on Account. If the institution retains a balance on a student's account when the student has completed the program for which he/she contracted, the institution shall return the balance to the student within 30 calendar days of the student's leaving the institution. It may not propose that the student apply the balance toward the costs of a subsequent program of study in the same institution.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Sections 94310 and 94312, Education Code.

211. Admission Standards.

(a) The institution shall establish and maintain specific written standards for student admissions. Such standards shall be appropriate to the particular degree or certif-

icate applied for, and sufficient to ensure that the student is qualified to undertake the proposed course of study.

(b) A high school diploma or the demonstrated ability to succeed in college shall be required for admission to college degree programs.

(c) The institution shall disclose both in its catalog and in its application for licensure the level of English language proficiency required and the kind of documentation of proficiency that will be accepted (for example, the TOEFL system for English). If any instruction will occur in language other than English, the institution shall disclose the level of proficiency required and the kind of documentation of proficiency that will be accepted (for example, the U.S. Foreign Service Language Rating System).

(d) The institution shall specify the maximum credit it will accept from another institution and the basis upon which transfer credit will be awarded. The maximum amount of credit accepted by the institution shall not exceed that permitted by Regulation 213.

(e) As a rule, possession of a bachelor's degree shall be required for admission into post-baccalaureate degree programs. If the possession of a bachelor's degree is not required, the institution must require equivalent accomplishment and shall clearly indicate in its catalog what will be accepted as equivalent accomplishment and on what evidence admission decisions will be based.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

212. Financial Aid Policies and Practices.

(a) The institution shall disclose to its students its policies and practices with regard to any form of financial aid. If the institution's students will be eligible for any form of financial aid, those policies and practices shall:

(1) Include counselling every student, upon first enrolling, concerning guaranteed loans and the attendant responsibilities and costs; and

(2) Provide that any representations made to new or prospective students regarding the availability of financial aid regardless of the source of the aid shall be truthful and not misleading.

(b) The institution shall include with its application for approval or renewal of approval a copy of those policies and practices and the following information:

(1) If its students, upon enrollment, become eligible for financial aid from State or federal sources;

(2) The current status of this institution with the California Student Aid Commission.

NOTE: Authority cited: Section 94305, Education Code.

Reference: Section 94310, Education Code.

213. Scholastic Regulations and Graduation Requirements.

(a) For baccalaureate degrees, a maximum of 25 percent of the total degree program may be credited for prior experiential learning, as defined in Regulation 100(i), provided that:

(1) the institution has developed an explicit rationale for the awarding of credit for prior experiential learning and

(2) the prior experiential learning has been analyzed in writing by the student, and the institution has evaluated this learning for the possibility of assigning academic credit either by procedures developed by nationwide academic associations or by challenge examinations specific to the institution's own curriculum.

(b) A maximum of 75 percent of the total bachelor's degree program may be earned in other academic institutions, or through challenge examinations and standardized tests such as the College Level Placement Tests for specific academic disciplines, prior experiential learning or through any combination of such transfer, examination and prior experiential learning credits. Only units awarded by a degree-granting institution approved by the Council or accredited by an accrediting association recognized by the U.S. Secretary of Education may be accepted as transfer credits.

(c) Graduation requirements shall include provisions for general education appropriate to the level and type of degree. At least one-fourth of the requirements for the associate degree and the bachelor's degree shall be in general education, as described in Regulation 217.

(d) For post-baccalaureate degree programs, institutions may credit specific prior experiential learning toward admission but not toward requirements for the degree.

(e) No more than six semester units (or the equivalent in other units) awarded by another institution may be credited toward a master's degree. Only units awarded by a degree-granting institution approved by the Council or accredited by an accrediting association recognized by the U.S. Secretary of Education may be accepted as transfer credits. Beyond the master's degree no credit may be transferred.

(f) No more than 25 percent of the units required for graduate degree programs may be awarded for a final product such as a thesis, dissertation, or project.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

214. Ethical Principles and Practices.

(a) Institutional Promotion. The institution shall retain on file for a minimum of five years copies (including print, audio, video) of all advertisements by which it represents it-

self to the public. These files shall be available to the site visit teams and any other representative of the Council.

(b) Payments to Faculty. No member of the faculty or enrolled student shall receive payment for recruitment of new students who enroll at the institution.

(c) Use of the Term "University." An institution founded after December 31, 1990, shall not use the term "university" in any statements to the public or in its name unless it offers degrees both at the undergraduate and graduate levels or offers three or more graduate degree programs.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

215. Library and Other Learning Resources.

(a) The institution shall provide or make provision for the learning resources, including a library, needed to support each degree program it offers.

(b) The institution shall demonstrate that it has, and is able to maintain sufficient means for enabling students to pursue inquiries, searches for information and documentation, and assignments connected with their study programs, including resources such as reference works, periodicals, monographs and other information, media and equipment specific to the degree programs offered by the institution.

(c) An institution that depends for library resources primarily on collections and resources not in its possession, shall:

(1) Employ (on either a full-time or a part-time basis) or document that the students and faculty have access to, the regular services of a professional librarian or information specialist, who shall provide support for faculty in curriculum matters and actively serve as resource guide for students, both undergraduate and graduate; and

(2) Document that its students have access to the library collections and resources of another institution, organization or library.

(d) For research into special topics chosen by a student individually, the student shall bear any special expenses entailed by that choice, or negotiate about sharing such expense when proposing the research to the institution.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

216. Student Services.

(a) Any listing of major services provided to students shall be contained in the institution's catalog and shall be truthful and not misleading.

(b) Each institution shall provide, or offer to provide, some means by which its students in similar programs of study can convene as a study group if they so choose. The in-

stitution shall describe in its catalog the ways designed or provided to enable students to learn from one another.

(c) Any statement implying that the institution provides placement services, connections with potential employers, etc. must be elaborated in sufficient detail that a prospective enrollee can discern what specific placement services to expect on completing the program. For purposes of this section, the term "placement services" does not include activity limited to identifying and posting available positions in the student's special field, or agreeing to provide free a copy of the student's records to a specified number of potential employers.

(d) An institution which admits students from other countries shall specify all of the following in its catalog and brochures:

(1) If English language services are provided and at what cost;

(2) Visa services it will provide (or student status it will vouch for) and any associated fee; and

(3) If courses are taught in languages other than English, and if so, which languages.

(e) An institution shall specify if it has

(1) dormitory facilities under its control; or

(2) expectations that the student will find affordable lodging near enough to be practicable, and at rates disclosed; or

(3) no responsibility for or implied assistance in finding accommodations. It is not sufficient to specify in promotional materials that an institution's program is "non-residential."

(f) The institution shall have a clearly stated policy on student rights, including a procedure for addressing student grievances. This policy shall be published and shall be given to the student upon admission to the institution.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

217. Degrees Offered.

(a) The institution shall maintain a written description of all the degree programs approved to be offered, with the title of the degree to be conferred. The degree titles shall not deviate substantially from those commonly used and traditionally accepted as a mark of learning in postsecondary educational institutions unless the institution clearly demonstrates that the proposed degree program covers a new field of learning. Each degree title shall include the name of a specific major field of learning. In addition to the general title, such as "Bachelor of Arts" or "Master of Science," the institution shall list the major emphases ("majors") for which it intends to provide instruction under the general degree title. Such designations shall be descriptive enough to enable the Council to consider

whether the faculty includes sufficient expertise to permit approval for that special emphasis. For example:

A Bachelor of Science in Psychology should have sufficient rationale to distinguish its preparation from that of a Bachelor of Arts in Psychology. Further, the field of psychology is now divided into such a diversity of directions that one usually needs to know still more from the title/designation to make practical use of it. Does the degree holder have specialization, for example, in counseling psychology (therapeutic or of a guidance nature), experimental psychology, the psychology of human learning, educational psychology, industrial psychology, personnel psychology, or social psychology?

For purposes of this article, the common degree categories and levels of achievement include:

(1) The Specialized Associate Degree (Occupational) which shall be awarded to students who complete a minimum of 60 semester units or 90 quarter units of instruction (normally two academic years). Twenty percent of the 60 semester units or 90 quarter units shall be hands-on training. Seventy-five percent of the curriculum shall be in the occupational area for which training is offered.

(2) The Specialized Bachelor's Degree (Occupational) which shall be awarded to students who complete a minimum of 120 semester units or 180 quarter units of instruction (normally four academic years). Forty percent of the 120 semester units or 60 of the 180 quarter units shall be hands-on training. Fifty percent of the curriculum shall be in the occupational area for which training is offered.

(3) The Associate of Arts and Associate of Science degrees, which shall be awarded to students who demonstrate the achievement of sequential learning equivalent in breadth of knowledge and understanding (i.e., general education) and equivalent in depth of achievement to that normally acquired in a minimum of 60 semester units or its equivalent in other units of credit or two years of study beyond high school. Sequential learning means progression from lower to increasingly higher levels of learning.

(4) The Bachelor of Arts and Bachelor of Science degrees, which shall be awarded to students who demonstrate the achievement of sequential learning equivalent in breadth of knowledge and understanding (i.e., general education) and equivalent in depth of achievement in a designated major field to that normally acquired in a minimum of 120 semester units or its equivalent in other units of credit or four years of study beyond high school. "Sequential learning" means progression from lower to increasingly higher levels of learning.

(5) The Master of Arts and Master of Science degrees, which shall be awarded to students who have a bachelor's degree and who demonstrate the achievement of learning in a designated major field that is equivalent in depth to that normally acquired in a minimum of a minimum of 30 semester units or its equivalent in other units of credit or one year of study beyond the bachelor's degree.

The professional master's degree shall carry the name of the field in which it is offered. It shall be awarded to students who have a bachelor's degree and who demonstrate the achievement of learning in the designated field equivalent in depth to that maybe acquired in 30 to 60 semester units or its equivalent in other units of credit or one to two years of study beyond the bachelor's degree. For example, titles of these degrees include, Master of Business Administration, Master of Public Administration, Master of Social Work, and Master of Fine Arts.

(6) The Doctor of Philosophy degree is a research-oriented degree requiring at least 90 semester units or its equivalent in other units of credit of study and research beyond the baccalaureate degree. It shall be awarded to students who have a bachelor's or master's degree which is in a field related to the research which is to be done, have completed a program of study that includes research methodology and who have demonstrated learning achievement through original research.

The professional doctoral degree shall carry the name of the field in which it is offered. It shall be awarded to students who complete a carefully prescribed technical course of post-baccalaureate level study normally requiring 90 semester units or its equivalent in other units of credit or three or more years of study beyond the baccalaureate degree and who demonstrate an advanced practical skill in the field represented by the title of the degree. For example, titles of these degrees include Doctor of Jurisprudence, Doctor of Music, and Doctor of Education.

Other degree designations shall be consistent with and equivalent to any existing, recognized standards or utilization of such titles.

(b) For bachelor's and associate degree programs, the institution shall specify the distribution of general education requirements by field, as in the following example:

Basic Communication	_____semester units
Basic Quantification	_____semester units
Humanities	_____semester units
Natural Sciences (life sciences, physical sciences)	_____semester units
Social Sciences	_____semester units
American Government/U.S. History	_____semester units

At least three semester units (or the equivalent in other units) shall be required in each field for a bachelor's degree program; at least two semester units (or the equivalent in other units) shall be required in each field for an associate degree program.

(c) In programs which explicitly depend on other postsecondary institutions to provide all general education required, the transfer of credits required shall occur prior to the student's beginning the final one-fourth of the program as measured by total units of credit.

(d) Degree programs which are designed to prepare students for licensure in, or acquisition of skills in, a direct practitioner-client therapeutic relationship, such as for those professions licensed by the State through the Board of Behavioral Science Examiners or

Board of Psychology, shall be offered only through classroom instruction, which may include supervised practical experience.

(e) Doctoral programs shall not be offered by correspondence instruction.

(f) Programs leading to the Doctor of Philosophy (Ph.D.) degree shall include substantial instruction in both theory and research at advanced levels in a designated field and specialty. Regardless of its field or concentration, the Ph.D. shall continue to signify a preparation for scholarship and systematic inquiry.

Regardless of the format, method and content of a Ph.D. program, each such program shall include a minimum of two formal evaluations of the student by a doctoral committee that includes at least three members of the institution's own faculty. The first shall evaluate the student's qualifications (knowledge, skills and conceptual framework) for undertaking rigorous inquiry into his/her designated field; the second shall evaluate the design procedures and products of a formal inquiry proposed and completed by the student. Where a project includes more than one student, the individual student's role and contributions shall be clearly identified.

The institution shall maintain a written record of the evaluations. This record shall include the names and signatures of all committee members who participated in the evaluations.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

Article 3. Out-of-State Accredited Institutions Operating in California.

300. Standards for Out-of-State Accredited Colleges and Universities Operating in California.

In order to be approved under Section 94310(i) of the code to offer a degree in California or to a resident of California, an out-of-state institution which is incorporated in another state and has accreditation from a regional accrediting association recognized by the United States Department of Education shall meet all of the following requirements:

(a) The standards developed by the special committee referenced in Section 94310(i)(4) of the code as set forth in Report 83-35 published by the California Postsecondary Education Commission titled, "Oversight of Out-of-State Accredited Institutions Operating in California" dated March 1986, which is hereby incorporated by reference. In conformance with the change in responsibility for the state's licensing of private postsecondary institutions accomplished by the Act, all references to the Superintendent or the Superintendent of Public Instruction in this report shall mean the Council.

(b) All requirements set forth in the other sections of the Act applicable to degree-granting institutions.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

310. Application Procedures.

An out-of-state accredited degree-granting institution which seeks approval to operate in California under Section 94310(i) of the code shall apply to the Council in the manner prescribed by Article 4 of this chapter.

NOTE: Authority cited: Section 94305, Business and Professions Code.
Reference: Section 94310, Business and Professions Code.

315. Review Process.

(a) The review of the California operations of an out-of-state accredited institution shall include an assessment by a visiting team unless the State's review coincides with that of a regional accrediting team. In such case, the director may choose the alternative of sending one Council staff member to serve as a participating member of the accrediting team in lieu of empaneling a visiting team.

(b) The on-site visiting committee or council staff member which reviews an out-of-state institution with multiple sites in California shall visit at least one off-campus site for each degree program offered by the institution in California and shall visit no less than one half of all the sites in California at which the institution offers a degree program.

(c) The site review of an out-of-state accredited institution shall be conducted following the guidelines recommended in Report 83-35 published by the California Postsecondary Education Commission titled, "Oversight of Out-of-State Accredited Institutions Operating in California" dated March 1986, which is hereby incorporated by reference.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

Article 4. Application and Approval Process

410. Application Content and Schedule.

Any person wishing to operate a degree-granting institution under the Act shall apply to the Council for approval. The institution's application shall contain or be accompanied by the following:

(a) The application fee;

(b) The name and address of the institution and its branch campuses;

(c) The status of the institution as a for profit or non-profit corporation;

(d) The name, address, and telephone number of the owner or owners ("owner" means any person who has a legal or equitable interest in 10 percent or more of an institution's stock or assets); and information concerning whether any owner has committed any substantially related crime or act as described in Regulation 1320;

(e) A description of the institution in not more than 250 words, stating the institution's mission, the degree programs and other programs it offers, and the types of students it admits, including a description of the level of educational preparation required for admission;

(f) An organization chart describing the governance and administrative structure of the institution and the place of the faculty in that structure. Accompanying the chart, a list with the name, address and telephone number of each member of the governing board, a statement of the financial involvement if any, in the institution of each member of the board; and the name of the incumbent in each principal administrative position;

(g) The degree programs offered, or proposed to be offered, with the full title of each degree. For each degree program, the application shall list the admission requirements, graduation requirements (including the types and amount of general education required) the title and description of the courses and components offered with an indication of the level of the courses (lower division, upper division, or graduate) and the mode of instruction;

(h) A description of the faculty's role in curriculum development procedures;

(i) For each degree program, the name, address, and telephone number of each full-time and part-time faculty member. For each faculty member listed, the application shall outline his or her educational background, including earned degree(s), field(s) of specialization, institution awarding the degree(s) and date(s) of conferral; teaching, research, and administrative experience; teaching assignment for the current year; and other current assigned duties;

(j) A description of the facilities serving the administrative and instructional needs of each degree program. Where appropriate, the application shall include building diagrams and campus maps to assist in locating these facilities, and shall indicate whether the buildings are owned, leased or rented short or long term, or used free of charge;

(k) A description of the types of educational records maintained, how they are organized, who is responsible for maintaining them, where they are stored (department and address), and what institutional policies govern the maintenance and safekeeping of these records;

(l) A complete list of current tuition and fees with an indication of which fees are refundable and which are non-refundable;

(m) A copy of the institution's refund policy and a statement as to which of the institution's publications contain this policy;

(n) With applications for renewal, summary data about the number of students receiving financial aid, the types and sources of this aid, and the total amount by source which students received during the last 12 months;

(o) Information about scholastic regulations and admission requirements (if not included in the catalog) including, but not limited to:

(1) Admission requirements, including level of educational attainment, grade point average and entrance examinations;

(2) Student assessment policies and practices, including placement and language ability examinations required and grading policies;

(3) Criteria, policies and procedures for awarding credit for prior experiential learning if such credits will be given by the institution;

(4) Attendance requirements for programs using the classroom instruction mode, and standard assignment schedules for distance learning and correspondence modes of instruction;

(5) Grading policy and criteria for determining whether a student is making satisfactory progress toward a degree;

(6) Policies regarding the acceptance of transfer credit and credit by examination;

(p) Summary of library holding and other learning resources, including policies and procedures for supplying such if not maintained on site;

(q) Any other information documenting compliance with the standards set forth in Article 2 of this chapter;

(r) The catalog and other information required by Section 94330(a) of the code. If an institution chooses to comply with Section 94330(a)(8) of the code by submitting a current profit and loss statement and current balance sheet, those documents shall be prepared by a certified public accountant licensed to practice in California and shall be based on that person's review of the institution's financial records.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

415. Provision of Information During Site Visit.

The institution shall make available for inspection by the site-visit team such files and records as may be necessary to determine whether the institution meets the standards set forth in the Act and in Article 2 of this chapter.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

420. Composition of Visiting Committee.

(a) A visiting committee shall be appointed by the Council's director. The director shall appoint a member of the Council staff to serve as the committee's chairperson, whose duties shall be to lead the committee and, with the cooperation of the other committee members, prepare the committee's evaluation report and recommendations. Prior to appointment to a visiting committee, each prospective member shall participate in a training session organized by the Council for the purpose of familiarizing committee members with the applicable statutes, regulations and Council procedures.

(b) The visiting committee shall be comprised of not less than three nor more than seven appointed members including the Council staff member. Within these limits, the Council's director shall take into consideration the number and diversity of degree programs offered by the institution in determining the composition and size of the committee. The membership of the committee shall include expertise in the degree programs and methods of instruction to be evaluated.

(c) The Council's director shall assign one or more Council staff members to assist the committee.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

430. Duties of the Visiting Committee.

The duties of the visiting committee shall include:

(a) A comprehensive on-site review of all aspects of the institution's operations to determine whether the institution is in compliance with the requirements of the Act applicable to an institution applying for approval under Section 94310 of the code and with the Council's regulations; and

(b) The preparation of a written evaluative report summarizing its findings regarding its assessment of each degree program and the institution as a whole. This report shall include (1) committee findings regarding the institution's compliance with the Act; and implementing regulations; (2) the committee's recommendation for granting or denying the approval of each degree program offered by the institution; and (3) the committee's recommendation for granting or denying the approval of the institution as a whole, including the length of time for which approval should be granted, and any conditions upon which approval should be based.

(c) Both in the case of an institution seeking reapproval and in the case of a new institution seeking candidate for approval status, the committee may recommend the disapproval of particular degree programs while recommending approval of the remainder of the institution.

(d) The length of the full committee's on-site visit to the main campus or administrative center shall be two or three days depending on the size and complexity of the institu-

tion. Depending upon the size, complexity, number of branch campuses and location of these branches within or outside the State, the director may propose and the Council require additional days for visiting other sites of the institution by individual members of the committee or Council staff.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

440. Reimbursement of Site Visit Expenses.

(a) The institution shall reimburse the Council for expenses incurred by the visiting committee, conducting the on-site visit at rates not to exceed those used by the State for reimbursing State employees on work travel assignment (per diem plus transportation). No later than 30 calendar days prior to the visit, the director shall submit to the institution an estimated cost of the visit and the institution shall pay by certified check a deposit of 90 percent of the estimated cost ten State working days prior to the visit. If this deposit is not received by the deadline, the director may cancel the visit and require the institution to submit a new application and application fee.

(b) Within ten State working days following the conclusion of the visit to the institution and all branches scheduled to be visited, the director shall provide the institution a statement of actual expenses of the visit. If the deposit was greater than the expenses incurred for the visit, the Council shall remit any unused funds from the deposit within 20 working days following the visit. If the costs exceeded the amount of the deposit, the institution shall remit the balance within ten State working days after receiving the statement of expenses.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94305 and 94310, Education Code.

450. Action by Council; Processing Times.

(a) The Council shall inform an applicant in writing within 15 State working days of receipt of the application and required fee whether the application is complete or is deficient and if so, what specific information is required.

(b) A visiting committee shall make an on-site visit within 90 State working days of the Council's receipt of a completed application unless by mutual agreement between the director and the institution's executive officer a later date is set.

(c) Within 90 State working days following the committee's visit, the Council shall make a decision on the institution's application, after considering the committee's recommendations and any other pertinent information available to the Council.

NOTE: Authority cited: Section 94305, Education Code; Section 15347, Government Code.

Reference: Section 94310, Education Code; Section 15347 et seq., Government Code.

Article 5. Renewal

500. Expiration of Candidate for Approval Status.

No later than 120 calendar days prior to the expiration date of an institution's candidate for approval status under Section 94310 of the code, the institution shall submit a complete application for approval as specified in Regulation 410, accompanied by the fee specified by the code.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

510. Renewal of Approval.

No later than 60 calendar days prior to the expiration of its approval, an institution shall submit for renewal a complete application for approval, as specified in Regulation 410, accompanied by the fee specified by the code.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

Chapter 3. Provisions Applicable to Private Postsecondary Vocational Education Institutions

Article 1. General Provisions

600. Definitions.

(a) The definitions contained in this chapter and in Sections 94302 and 94316.2 of the Education Code apply to those portions of the Private Postsecondary and Vocational Reform Act of 1989 governing postsecondary vocational institutions.

(b) "Act" means the Private Postsecondary and Vocational Reform Act of 1989.

(c) "Code" means the Education Code.

(d) "Instructor" means a person under contract to the institution to conduct one or more classes or components in its program of study and training and who is accountable for evaluating the learning and progress of individual students.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

605. Request for Approval of Substantive Changes.

An institution shall request approval of a substantive change no later than 30 calendar days before the change is scheduled to become effective. For purposes of this section, a "substantive change" is one which requires prior approval from the Council and includes the following:

(a) Addition of a diploma or certificate program;

(b) Change of name or purpose of the institution;

(c) Change of address of administrative offices or instructional sites; and

(d) Addition of a branch campus.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

610. Annual Report.

An institution shall file one annual report by July 1 of each year. The report shall be signed under penalty of perjury by an owner or the chief academic officer of the institution and shall contain all of the following information for educational programs offered in the prior 12 months:

(a) The information specified in Section 94312.2 and Section 94316.14 (if applicable) of the code;

(b) The total number of students enrolled on March 1 (or the nearest day of enrollment) of the reporting period, by type of diploma or certificate program, and by gender, ethnicity and race.

(c) The number of diplomas or certificates awarded, by type of diploma or certificate program, and by gender, ethnicity and race.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, 94312.2, and 94316.14, Education Code.

615. Maintenance of Logs.

An institution shall maintain at its administrative offices the following lists, kept current on a monthly basis:

(a) Drop-out log, which shall include the names and addresses of all students who have dropped out of the institution during the calendar year;

(b) Student Tuition Recovery Fund log, which shall include the names and addressses of all students for which a tuition assessment is due to the Council; and

(c) For those institutions required to report placement data pursuant to Section 94312(i) of the code, a placement log which shall include the names and addresses of all students who have secured employment in the field for which they were trained.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94312 and 94343, Education Code.

Article 2. Standards.

700. Applicability of Standards.

A private institution wishing to offer postsecondary vocational or technical training in California shall demonstrate its compliance with the standards set forth in this subchapter, in addition to those set forth in the code, in order to obtain and maintain the Council's approval to operate.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

705. Program Objectives.

The institution shall have on file and available for inspection by the Council its objectives, in writing, for each program it wishes to offer. These objectives shall be specific enough to distinguish the institution's several programs from each other, and shall describe the types of occupations or employment for which a program is intended to prepare the student.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

710. Course Syllabus.

The institution shall have on file and available for inspection a complete syllabus for each course or learning component in the program. The course syllabus shall include at a minimum the following elements:

(a) Short descriptive title;

(b) Statement of aims and list of educational objectives for this particular course;

(c) Designation of the relative level of sophistication of this course or component, (e.g., introductory, advanced, journeyman, practitioner-development, etc.);

(d) Length of the course or sequence, and frequency of lessons or class meetings;

(e) Textbook and/or other required materials (complete citations);

(f) Sequential outline of subject matter to be addressed, which consists of more than a topical outline from the textbook to be employed, or a list of competencies to be learned and how those competencies are to be measured;

(g) Instructional mode or methods;

(h) Bibliography, specific to subject-matter, for further inquiry and learning;

(i) Proportion of program which can be satisfied/fulfilled by satisfactory completion of this course; and

(j) Instructor currently assigned to teach/oversee course.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

715. Students Excluded from Employment Data Reporting.

An institution covered by Article 2.5 of Chapter 3 of Part 59 of the code (commencing with Section 94316) shall not be required to report employment data concerning students enrolled in courses of instruction identified in the institution's application as not intended or represented to lead to employment in any occupation or job title.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94316.5, Education Code.

720. Instructors.

(a) Each instructor shall possess a certificate of authorization issued by the Council in the specified competence area in which the instructor will be teaching.

(b) The institution shall have and describe a process for regularly evaluating the performance and effectiveness of each member of its teaching faculty, including his or her means for staying abreast of the field and specialty being taught.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code

725. Student Records.

(a) The institution shall maintain a file for each student whether or not the student completes the program. This file shall include the information required by Section 94312(l) of the code and at least the following:

(1) written records and transcripts of such formal education, training and entrance examinations as may pertain to the qualifications for admission to this institution;

(2) copies of any contracts with this student as client, both financial and learning contracts showing what the institution has agreed to provide for fees paid;

(3) current transcript for this institution showing courses attempted, completed, and the grades or evaluations received; and

(4) copies of any official advisory notices (warnings) about the student's progress.

(b) All student files shall be open to inspection by the Council and its designated committees, and shall be retained by the institution for a minimum of five years. In case of closure of the institution, the institution's custodian of records with the approval of the Council shall make provision for storage of the institution's educational records by transmitting all student records to a third party, another institution, or to the Council. A complete list of the students whose transcripts have been included in such a transmittal shall accompany the records and a copy of the list shall be sent to the Council. The list shall be organized alphabetically by year and shall include the year of admission, the year of termination and the award received.

(c) The institution shall retain back-up files in a second location for the same period of time, unless the original files are maintained in a fireproof storage facility.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94312, Education Code.

730. Permits.

The institution shall maintain a list of all permits required by public agencies relative to the health and safety of those using its premises/facilities, such as fire and sanitation codes, and shall have on file for inspection all current permits.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

735. Catalog Requirements.

In addition to the information required by Sections 94312(h) or 94316.10(a)(4), if applicable, of the code, the catalog, any addenda thereto or brochure given to each prospective student before enrollment shall contain at least the following elements:

(a) grading policy;

(b) standards of individual conduct;

(c) student complaint procedure which complies with Regulation 1175; and

(d) time period for which this edition of catalog/brochure is valid.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

740. Monitoring Student Progress.

The institution shall maintain, enforce and disclose a policy for monitoring the progress of each student through successive stages of its programs, including individual consultations.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

750. Student Complaint Procedure.

755. Placement Rate Calculations.

For purposes of determining whether an institution has met the performance standards set forth in Section 94316.5 of the code, placement rates and employment shall be determined as follows:

(a) "Placement rate" shall be calculated as the percentage of students who did both of the following:

(1) Began the course, did not cancel pursuant to Section 94317 of the code, and were originally scheduled at the time of enrollment to complete the course during the institution's particular reporting period for which the placement rate is reported; and

(2) Completed the course within the applicable time period described in subsection (1) above and started employment within six months of completing the course. For the sole purpose of calculating the placement rate, students who complete more than 60 percent of the course and who drop out because they have obtained employment in the field in which they were being trained shall be counted as having been successfully placed.

(b) "Employment" means full-time employment for at least 32 hours per week for a period of at least 60 days in an occupation or job title to which the course of instruction is represented to lead. In an occupation which requires a State license or other type of authorization before the person can engage in that occupation, attainment of that license or other authorization shall be accepted as meeting the requirement of "employment" for purposes of Section 94316.5(b) of the code. In an occupation requiring training in the fine arts or acting, membership in the appropriate trade union shall be accepted as meeting the requirement of "employment" for purposes of Section 94316.5(b) of the code. Employment in one's own business shall satisfy the definition of employment if it is for at least 20 hours per week for a period of at least 60 days.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Sections 94311 and 94316.5, Education Code.

760. Financial Resources.

An institution shall meet the financial resources standard set forth in Section 94316.6 of the code, if applicable to that institution. A secured line of credit may be used to meet the requirement of that section for "cash or assets which can be converted into cash within seven days."

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94316.6, Education Code.

Article 3. Approval Process.

800. Application Content.

A private institution wishing to offer vocational or technical training in California shall apply to the Council for approval. The institution's application shall be accompanied by the fee prescribed by the Council. and shall contain or be accompanied by the information set forth below:

(a) The name and address of the institution.

(b) The form of ownership; i.e., sole proprietorship, general or limited partnership, for-profit corporation, or nonprofit corporation.

(c) The name, address, and telephone number of the owner or owners. For purposes of this section, "owner" means any person who has a legal or equitable interest in 10 percent or more of an institution's stock or assets.

(d) The place or places where instruction will be given or other services will be provided.

(e) Information/documents required by Sections 94312 and 94330(a) and (b) of the Code.

(f) A description of the institution in approximately 250 words, stating its mission, the types of training and instruction it offers or proposes to offer, the types of students it admits and the level of educational preparation required for admission. Applications for renewal shall indicate in addition, the total number of students enrolled at the time the application was submitted and the number of certificates awarded (by occupational field) during the last 12 months.

(g) An organization chart describing the governance and administrative structure of the institution, along with a brief written job description for each position, and showing relation of instructors to administrative positions. List the name of each member of the governing board, if applicable, and indicate what, if any, financial involvement each member of the board has in the institution. The address and telephone number of each member shall be available to the Council representatives at the institution's administrative offices.

(h) The general and specific fields of instruction offered, or proposed to be offered, and the purposes of such instruction, including a statement whether the instruction is intended to lead to employment in an occupation or job title.

(i) The name of each full-time and part-time instructor. The address and telephone number of each instructor shall be available to the Council representatives at the institution's administrative offices.

(j) The physical facilities and equipment serving or proposed to serve the administrative and instructional needs of each occupational specialty and an explanation of their appropriateness for that field of training. Where appropriate, provide building diagrams and campus maps to assist in locating these facilities. Indicate whether the buildings are owned, leased or rented short or long term, or used free of charge.

(k) A description of how educational records are organized, or proposed to be organized, and who is responsible for the records, where the records are stored (department and address) and what institutional policies govern the maintenance and safe-keeping of these records.

(l) A complete list of tuition and fees with an indication of which are refundable and which are non-refundable. Provide a copy of the institution's refund policy and indicate which of the institution's publications contain this policy.

(m) Applications for renewal shall include summary data about the number of students receiving financial aid, the type and sources of this aid, and the total amount by source which students received during the last 12 months.

(n) Scholastic regulations including, but not limited to:

(1) Admission requirements, including level of educational attainment and grade point average, entrance examinations;

(2) Student assessment policies and practices including placement and language ability examinations required and grading policies;

(3) Criteria, policies and procedures for awarding credit for experiential learning; and

(4) Attendance requirements for programs using the classroom instruction mode and standard course assignment schedules for distance learning and correspondence modes of instruction.

(o) Summary of library holdings, services and other learning resources, including policies and procedures for supplying such to distance instruction students.

(p) Summary of student services, including provisions for academic counseling, textbook purchases, and job placement.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

810. Processing Times.

(a) Within 30 calendar days after receipt of an application for approval, the Council shall notify the institution in writing either (1) that its application is complete and accepted for filing or (2) that it is deficient and requires specific information or documentation to complete the application. An application is considered "complete" if it contains all the information and documentation required by Regulation 800.

(b) Within 180 calendar days from the date of filing of a completed application, the Council shall inform the institution in writing of its decision regarding the application.

NOTE: Authority cited: Section 94305, Education Code; Section 15347, Government Code.
Reference: Section 94311, Education Code; Section 15347 et seq., Government Code.

Article 4. Renewal

900. Renewal of Approval.

No later than 60 calendar days prior to the expiration of its approval, an institution shall apply for renewal of its approval as prescribed in Regulation 800 above.

NOTE: Authority cited: Section 94305, Education Code.

Reference: Section 94311, Education Code.

Article 5. Certificates of Authorization for Service

1000. Definitions.

For purposes of this article:

(a) "Certificate of authorization for service" means a written, nontransferable document issued by the Council authorizing an individual to be an instructor or administrator in any private postsecondary vocational education institution in California which is approved or has candidate-for-approval status under Section 94311 of the Code.

(b) "Instructor" means the designated individual who is responsible for the routine operation of a course including the presentation of a planned curriculum.

(c) "Administrator" means any owner or staff member of an institution who has responsibility for managing or supervising the operations, planning, research, personnel, financial operations or student financial aid functions of the institution.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

1010. Application Process.

Every instructor at and administrator of a private postsecondary educational institution in California shall apply to the Council for a certificate of authorization for service.

The application shall be made on forms prescribed by the Council and shall contain or be accompanied by the following:

(a) The applicant's name, address and telephone number.

(b) Satisfactory evidence that the applicant possesses the qualifications prescribed in Regulations 1015 or [administrator qualifications, to be developed], whichever is applicable.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

1015. Instructor Qualifications.

(a) Each instructor shall possess at least one of the following:

(1) A bachelor's degree in the field in which he or she is to teach from an institution of higher learning or an advanced degree from such an institution;

(2) A valid adult or secondary school teaching credential or certificate from this or another state authorizing the holder to teach in the field of instruction in which he or she is teaching;

(3) Five years of a combination of education at the postsecondary level and successful direct experience in the profession, trade, industry, or technical occupation in the field in which he or she is to teach; or

(4) Possession of a license to teach issued by an appropriate state licensing board or federal agency for the field in which he or she is to teach.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

1020. Processing Times.

The Council shall inform an applicant in writing within __ State working days whether the application for an agent's permit is complete and accepted for filing or is deficient and what specific information is required. The Council shall decide within __ State working days after the filing of a complete application whether the applicant meets the requirements for issuance of the permit.

NOTE: Authority cited: Section 94305, Education Code; Section 15347, Government Code.
Reference: Section 94333, Education Code; Section 15347 et seq., Government Code.

Chapter 4. Provisions Applicable to All Approved Postsecondary Institutions

Article 1. General Provisions

1100. Abandonment of Applications.

An application shall be deemed abandoned if the application has not been completed by the applicant within one year after it was filed.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Sections 94310 and 94311, Education Code.

Article 2. Transfers of Ownership.

1200. Application Requirements.

Application for any change in ownership or shift in control of an institution approved by the Council shall be made on forms prescribed by the Council. The application shall contain or be accompanied by the following:

(a) The fee required by the code.

(b) The name and address of the institution.

(c) The name and address of each current and proposed owner and statement of the percentage of ownership held by each person.

(d) A current financial statement showing all assets and liabilities of the institution.

(e) A statement from all the proposed owners, certified under penalty of perjury, of how the institution will operate under the new ownership, including financial operation of the institution.

(f) A statement under penalty of perjury as to whether any proposed owner has been previously found in any judicial or administrative proceeding to have violated the Act, or has committed any act which would be grounds for denial as specified in Section 94330(g) of the code.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, 94311 and 94330, Education Code.

1210. Review Process.

1220. Processing Times.

Article 3. Denial of or Disciplinary Action Against Permits or Licenses.

1300. Conditions and Procedures for Probation.

(a) When the Council finds that an institution is not in compliance with the standards for approval, the institution shall be notified in writing by the director. If the noncompliance appears sufficient to warrant probationary status or revocation of approval, the director shall issue a written notice of noncompliance to the institution, citing the specific areas of noncompliance.

(b) An institution may, within 30 days after receiving a notice of noncompliance, request a hearing before the Council. Such hearing shall be set to occur no sooner than 14 calendar days nor later than 60 calendar days following receipt of the institution's written request. Both the institution and the Council staff may present information and testimony at this hearing. The Council may thereafter take such action as it deems appropriate, consistent with Section 94310(e) or 94311(e) of the code, whichever is applicable.

If, upon receiving notice of non-compliance, the institution elects to make the changes that would bring it again into compliance without a hearing, the director shall set an appointment at which time a member of the Council staff will visit the institution for fact-finding regarding the matter in question. The institution, the Council chair, or the director may request a member of the Council also to participate in this visit, or a consultant with specified expertise. Within ten days after the hearing and/or the fact-finding visit, the director shall submit recommendations in writing to the Council, and the Council through its director shall inform the institution of its current status. If the particular matter of non-compliance reasonably requires more time to correct, the Council may require a compliance verification visit. In any case, however, the Council shall render a decision concerning an institution's compliance no more than 180 calendar days from the date on which the institution received the notification of noncompliance.

(d) When the Council renders a decision that an institution is not in compliance after notification and opportunity to be heard as described above, withdrawal of the institution's approval shall be effective immediately upon notification of that decision.

The certificate of approval is the property of the State of California and shall be surrendered by the institution upon withdrawal of approval.

(e) In no case shall the Council be required to allow an institution 180 calendar days before judging it in non-compliance.

(f) Upon notification that an institution's approval has been withdrawn by official act of the Council, that institution is barred from offering instruction, receiving tuition and fees, or awarding degrees and certificates, for postsecondary educational programs.

(g) If the Council finds that the charges of non-compliance are not substantiated, it shall direct that all materials concerning this matter be deleted from the institution's file and record with the State.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94310, Education Code.

1310. Emergency Action.

Notwithstanding the provisions of Regulation 1300, the Council may take emergency action in the manner prescribed by Section 94322 of the code. Any request for a hearing made pursuant to Section 94322 of the code shall be submitted in writing by an owner or the chief executive officer of the institution.

NOTE: Authority cited: Section 94310, Education Code.
Reference: Sections 94310 and 94322, Education Code.

1320. Substantial Relationship Criteria.

For purposes of Section 480 of the Business and Professions Code and Regulation 208, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of an owner, officer or director of a private postsecondary educational institution if to a substantial degree it evidences present or potential unfitness of such a person to perform the functions authorized by an institution's approval to operate in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

(a) Fiscal dishonesty or breach of fiduciary responsibility of any kind.

(b) Fraud or deceit in obtaining any approval or license required under the Act.

(c) Violation of any provision of the Act or of any rule or regulation adopted by the Council.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 480, Business and Professions Code; Sections 94310, 94330, 94333 and 94334, Education Code.

1330. Criteria for Rehabilitation.

(a) When considering the denial of a license or certificate of approval under Section 480 of the Business and Professions Code, the Council, in evaluating the rehabilitation of the applicant and his present eligibility for a license or certificate of approval, will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsections (1) or (2).

(4) The extent to which the person has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the person.

(b) When considering the suspension or revocation of a license or certificate of approval, the Council, in evaluating the rehabilitation of such person and his present eligibility for a license or certificate will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since the commission of the act(s) or offense(s).

(4) Whether the person has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the person.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the person.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94330, Education Code.

Article 4. Expert Advisors

1400. Authority to Hire Expert Advisors.

To provide special expertise in the review of an institution, the Council director may augment the Council staff's review by appointing one or more expert advisors. The expenses of such advisors shall include a daily honorarium at prevailing consultant rates. Travel and per diem and these expenses shall be reimbursed by the institution as provided in Regulation 1420.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

1410. Duties of the Expert Advisors.

The advisors shall evaluate those aspects of the institution and its operations which

the Council director identifies as requiring expert review and shall provide a written report to the Council no later than ten calendar days following the date of the review.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

1420. Reimbursement of Expert Advisors.

The institution shall reimburse the Council for the Council's costs incurred in engaging an expert advisor. The total reimbursement shall include the advisor's honorarium and travel costs. The rate of reimbursement of travel costs shall not exceed those used by the State for reimbursing state employees on travel status.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94311, Education Code.

Chapter 5. Agents and Agencies.

Article 1. Agents.

1500. Application for Agent's Permit.

The application for a permit to act as an agent shall contain or be accompanied by all of the following:

(a) The applicant's full name; business and residence addresses and telephone numbers; and date of birth.

(b) The statement, bond and fee prescribed by Section 94333(a) of the code.

(c) Information concerning whether there are grounds for denial of the permit, as set forth in Section 94333(c) of the code.

(d) The applicant's signature under penalty of perjury.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94333, Education Code.

1510. Term of Permit.

An agent's permit shall terminate on December 31 of the calendar year in which it was issued. It may not be renewed, but the holder of the permit may apply for and obtain a new permit if he or she meets all the requirements for issuance of such a permit.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94333, Education Code.

1520. Processing Times -- Agent Permits.

The Council shall inform an applicant in writing within ten State working days whether the application for an agent's permit is complete and accepted for filing or is deficient and what specific information is required. The Council shall decide within ten State working days after the filing of a complete application whether the applicant meets the requirements for issuance of the permit.

NOTE: Authority cited: Section 94305, Education Code; Section 15347, Government Code.
Reference: Section 94333, Education Code; Section 15347 et seq., Government Code.

1530. Substantial Relationship Criteria -- Agents.

The Council may deny or take disciplinary action against an agent's permit on the grounds specified in Section 94333(c) of the code. For purposes of that section, a crime or act shall be considered substantially related to the qualifications, functions or duties of an agent if the crime or act meets any of the criteria set forth in Regulation 1320.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94333, Education Code.

Article 2. Agencies.

1540. Application for Agency Permit.

Application for an agency permit shall be made on forms prescribed by the Council and shall contain or be accompanied by all of the following:

(a) The applicant's full name, business address and telephone number.

(b) The information and fee prescribed by Section 94344(a) of the code.

(c) Information concerning whether there are grounds for denial of the permit, as set forth in Section 94334(b) of the code.

(d) The signature under penalty of perjury of the applicant or, where applicable, a person with ownership interest in the applicant.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94334, Education Code.

1550. Renewal of Agency Permit.

(a) An agency permit shall expire at midnight one year from the last day of the month in which the permit was issued.

(b) An agency permit may be renewed by filing an application for renewal on forms prescribed by the Council, accompanied by the fee required by the code.

(c) An agency permit which is not renewed prior to its expiration shall not thereafter be renewed, restored, reinstated or reissued but the holder of the permit may apply for and obtain a new permit if the holder meets all the requirements for issuance of the permit.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94344, Education Code.

1560. Processing Times -- Agency Permit.

(a) The Council shall inform an applicant in writing within 15 State working days of receipt of an application for an agency permit.

(b) A Council representative shall inspect the applicant agency within 15 State working days of the Council's receipt of a completed application unless by mutual agreement between the director and the applicant's executive officer a later date is set.

(c) Within 30 State working days following the inspection, the Council shall make a decision on the application.

NOTE: Authority cited: Section 94305, Education Code; Section 15437, Government Code.
Reference: Section 94344, Education Code; Section 15437 et seq., Government Code.

1570. Substantial Relationship Criteria -- Agencies.

The Council may deny or take disciplinary action against an agency permit on the grounds specified in Section 94334(b) of the code. For purposes of that section, a crime or act shall be considered substantially related to the qualifications, functions or duties of an agent if the crime or act meets any of the criteria set forth in Regulation 1320.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94334, Education Code.

Chapter 6. Student Tuition Recovery Fund

Article 1. General Provisions

1600. Definitions.

(a) "Prepaid" means, for purposes of Sections 94342 and 94343 of the code and this chapter, any amount of money which an institution requires or accepts in advance of rendering educational services.

(b) "Fund" means to the Student Tuition Recovery Fund.

(c) "Tuition" as used in Sections 94342 and 94343 of the code and this chapter, means the charge for instruction and, for assessment purposes, also includes all charges for instructional materials and all other fees.

(d) "California Resident" as used in Section 94342 of the code and this chapter, means one who has signed a contract for instruction with an institution which the Council has approved to operate in California and who resides in California at the time of enrollment. With respect to those individuals enrolled in an approved correspondence course, only those receiving lessons at a California mailing address are considered to be California students.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Sections 94342 and 94343, Education Code.

1610. Institutions Subject to Assessment.

The Council shall assess institutions which:

(a) Require or accept prepaid tuition and/or charges for instructional materials or any other fees; or

(b) Enroll one or more individuals who have made a direct payment to the institution for instruction or training. The term "direct payment" includes payment by an enrollee or sponsoring person, or payment from a public or private lender on behalf of the individual, but does not include scholarships, grants, subsidies, or any other income which is received by the institution directly from a public or private organization where there is no obligation for an enrollee to pay or repay either the funding organization or the institution.

NOTE: Authority cited: Sections 94305 and 94343, Education Code.
Reference: Sections 94342 and 94343, Education Code.

Article 2. Assessments.

1620. Assessment Base.

Assessments shall be based on the total number of students newly enrolled during the assessment period.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Sections 94342 and 94343, Education Code.

1630. Amount of Assessment.

(a) An assessment, often cents per one hundred dollars, shall apply to the actual price charged each California resident for tuition (as defined in Regulation 1500), regardless of the amount which is prepaid; except that, for courses costing less than one hundred dollars, the assessment shall be five cents.

(b) An institution may elect to pay an assessment of four dollars per California resident during any assessment period, which is the maximum assessment specified in Section 94343 of the code, rather than pay the authorized rate of one tenth of one percent. The institution shall not charge a student an amount greater than that paid to the Council per enrollee.

NOTE: Authority cited: Sections 94305 and 94343, Education Code.
Reference: Sections 94342 and 94343, Education Code.

1640. Due Date of Assessments.

Assessment shall be paid on a quarterly basis.

In the event of school closure, unpaid assessment shall be remitted to the Council with five working days following cessation of instruction.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Sections 94342 and 94343, Education Code.

1650. Refund of Enrollee Assessment.

An institution shall refund to a student the amount paid as a tuition assessment only if enrollment is cancelled prior to or on the first day of instruction and the institution has paid to the student any refund required by law. Otherwise, the institution shall retain the amount paid as a tuition assessment and remit it to the Council for deposit in the fund.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Sections 94342 and 94343, Education Code.

Article 3. Payments from the Fund.

1660. Application for Payment from the Fund.

Application for payment from the fund shall be made in the manner specified in Section 94342(d) of the code and shall contain the information required therein.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94342, Education Code.

1670. Verification and Payment.

(a) The Council shall conduct such investigation and verification as it deems necessary to determine whether to grant or deny an application for payment from the fund.

(b) Any payment from the fund shall be for the entire amount of unused prepaid tuition as determined by the Council, minus any actual or forthcoming refund from any source. The payment shall in no event exceed the amount of unused prepaid tuition and the cost of equipment and materials related to the course of instruction plus interest on all student loans used to pay for tuition, equipment and materials.

NOTE: Authority cited: Section 94305, Education Code.
Reference: Section 94342, Education Code.

1680. Processing Times.

(a) The Council shall notify an applicant within __ State working days whether the application is complete and accepted for filing or is deficient and what specific information is required.

(b) The Council shall pay a claim or deny it within 60 State working days after receiving a completed application for payment, except as provided in Section 94342(e) of the code.

NOTE: Authority cited: Section 94305, Education Code; and Section 15347, Government Code.
Reference: Sections 15347 et seq., Government Code.

CALIFORNIA POSTSECONDARY EDUCATION COMMISSION

THE California Postsecondary Education Commission is a citizen board established in 1974 by the Legislature and Governor to coordinate the efforts of California's colleges and universities and to provide independent, non-partisan policy analysis and recommendations to the Governor and Legislature.

Members of the Commission

The Commission consists of 15 members. Nine represent the general public, with three each appointed for six-year terms by the Governor, the Senate Rules Committee, and the Speaker of the Assembly. The other six represent the major segments of postsecondary education in California.

As of February 1990, the Commissioners representing the general public are:

Mim Andelson, Los Angeles;
C. Thomas Dean, Long Beach;
Henry Der, San Francisco;
Seymour M. Farber, M.D., San Francisco;
Rosalind K. Goddard, Los Angeles;
Helen Z. Hansen, Long Beach;
Lowell J. Paige, El Macero; *Vice Chair;*
Cruz Reynoso, Los Angeles; *Chair;* and
Stephen P. Teale, M.D., Modesto.

Representatives of the segments are:

Meredith J. Khachigian, San Clemente; appointed by the Regents of the University of California;

Theodore J. Saenger, San Francisco; appointed by the Trustees of the California State University;

John F. Parkhurst, Folsom; appointed by the Board of Governors of the California Community Colleges;

Harry Wugalter, Thousand Oaks; appointed by the Council for Private Postsecondary Educational Institutions;

Joseph D. Carrabino, Orange; appointed by the California State Board of Education; and

James B. Jamieson, San Luis Obispo; appointed by the Governor from nominees proposed by California's independent colleges and universities.

Functions of the Commission

The Commission is charged by the Legislature and Governor to "assure the effective utilization of public postsecondary education resources, thereby eliminating waste and unnecessary duplication, and to promote diversity, innovation, and responsiveness to student and societal needs."

To this end, the Commission conducts independent reviews of matters affecting the 2,600 institutions of postsecondary education in California, including community colleges, four-year colleges, universities, and professional and occupational schools.

As an advisory planning and coordinating body, the Commission does not administer or govern any institutions, nor does it approve, authorize, or accredit any of them. Instead, it cooperates with other State agencies and non-governmental groups that perform these functions, while operating as an independent board with its own staff and its own specific duties of evaluation, coordination, and planning.

Operation of the Commission

The Commission holds regular meetings throughout the year at which it debates and takes action on staff studies and takes positions on proposed legislation affecting education beyond the high school in California. By law, its meetings are open to the public. Requests to speak at a meeting may be made by writing the Commission in advance or by submitting a request before the start of the meeting.

The Commission's day-to-day work is carried out by its staff in Sacramento, under the guidance of its executive director, Kenneth B. O'Brien, who is appointed by the Commission.

The Commission publishes and distributes without charge some 30 to 40 reports each year on major issues confronting California postsecondary education. Recent reports are listed on the back cover.

Further information about the Commission, its meetings, its staff, and its publications may be obtained from the Commission offices at 1020 Twelfth Street, Third Floor, Sacramento, CA 98514-3985; telephone (916) 445-7933.

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PRELIMINARY DRAFT REGULATIONS FOR CHAPTER 3 OF PART 59 OF THE EDUCATION CODE

California Postsecondary Education Commission Report 90-31

ONE of a series of reports published by the Commission as part of its planning and coordinating responsibilities. Additional copies may be obtained without charge from the Publications Office, California Postsecondary Education Commission, Third Floor, 1020 Twelfth Street, Sacramento, California 95814-3985.

Recent reports of the Commission include:

90-13 Analysis of the 1990-91 Governor's Budget: A Staff Report to the California Postsecondary Education Commission (March 1990)

90-14 Comments on the California Community Colleges' 1989 Study of Students with Learning Disabilities: A Second Report to the Legislature in Response to Supplemental Report Language to the 1988 State Budget Act (April 1990)

90-15 Services for Students with Disabilities in California Public Higher Education, 1990: The First in a Series of Biennial Reports to the Governor and Legislature in Response to Assembly Bill 746 (Chapter 829, Statutes of 1987) (April 1990)

90-16 Standardized Tests Used for Higher Education Admission and Placement in California During 1989: The First in a Series of Biennial Reports Published in Accordance with Senate Bill 1416 (Chapter 446, Statutes of 1989) (April 1990)

90-17 Academic Program Evaluation in California, 1988-89: The Commission's Fourteenth Annual Report on Program Planning, Approval, and Review Activities (June 1990)

90-18 Expanding Information and Outreach Efforts to Increase College Preparation: A Report to the Legislature and Governor in Response to Assembly Concurrent Resolution 133 (Chapter 72, Statutes of 1988) (June 1990)

90-19 Toward an Understanding of Campus Climate: A Report to the Legislature in Response to Assembly Bill 4071 (Chapter 690, Statutes of 1988) (June 1990)

90-20 Planning for a New Faculty: Issues for the Twenty-First Century. California's Projected Supply of New Graduate Students in Light of Its Need for New Faculty Members (September 1990)

90-21 Supplemental Report on Academic Salaries, 1989-90: A Report to the Governor and Legislature in Response to Senate Concurrent Resolution No. 51 (1965) and Subsequent Postsecondary Salary Legislation (September 1990)

90-22 Second Progress Report on the Effectiveness of Intersegmental Student Preparation Programs: The Second of Three Reports to the Legislature in Response to Item 6420-0011-001 of the 1988-89 Budget Act (October 1990)

90-23 Student Profiles, 1990: The First in a Series of Annual Factbooks About Student Participation in California Higher Education (October 1990)

90-24 Fiscal Profiles, 1990: The First in a Series of Factbooks About the Financing of California Higher Education (October 1990)

90-25 Public Testimony Regarding Preliminary Draft Regulations to Implement the Private Postsecondary and Vocational Education Reform Act of 1989: A Report in Response to Assembly Bill 1993 (Chapter 1324, Statutes of 1989) (October 1990)

90-26 Legislation Affecting Higher Education During the Second Year of the 1989-90 Session: A Staff Report of the California Postsecondary Education Commission (October 1990)

90-27 Legislative Priorities of the Commission, 1991: A Report of the California Postsecondary Education Commission (December 1990)

90-28 State Budget Priorities of the Commission, 1991: A Report of the California Postsecondary Education Commission (December 1990)

90-29 Shortening Time to the Doctoral Degree: A Report to the Legislature and the University of California in Response to Senate Concurrent Resolution 66 (Resolution Chapter 174, Statutes of 1989) (December 1990)

90-30 Transfer and Articulation in the 1990s: California in the Larger Picture (December 1990)

90-31 Preliminary Draft Regulations for Chapter 3 of Part 59 of the Education Code, Prepared by the California Postsecondary Education Commission for Consideration by the Council for Private Postsecondary and Vocational Education. (December 1990)

90-32 Statement of Reasons for Preliminary Draft Regulations for Chapter 3 of Part 59 of the Education Code, Prepared by the California Postsecondary Education Commission for the Council for Private Postsecondary and Vocational Education. (December 1990)

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